

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to FIGS. 1 and 2. These sheets, which include FIGS. 1 and 2, replace the original sheets including FIGS. 1 and 2.

Attachment : Replacement Sheet

The Applicants have made a diligent effort to address each issue raised by the Examiner with respect to the drawings. The objections relating to reference numbers 24, 26, 42, 66, 74 and 84 are believed to be addressed by the above cited modifications to the specification. The Applicants' use of reference number 36 in FIG. 1, has been objected to on grounds that this reference number is not used in the specification. However, the Applicants respectfully submit that this reference number is used with reference to FIG. 1 on Page 11, lines 26 – 30. FIG. 1 has been amended to make clear that reference number 60 refers to a viewing area that is outside of viewing device 10 as is made clear in the specification. FIG. 1 has been further amended to illustrate the presence of reference numbers 26 and 50 and to remove reference number 62.

FIG. 2 has likewise been amended to show reference number 60. FIG. 2 has also been amended to illustrate the presence of tracking memory 14 and control processing unit 28 and as discussed with reference to FIG. 2 in the specification. FIG. 2 has been objected to on grounds that this reference number is not used in the specification. However, the Applicants respectfully submit that this reference number is used to point to the person illustrated at the bottom of FIG. 2.

### **REMARKS**

Claims 1-36 are pending in the application. Claims 1-36 stand rejected.

Applicants thank the Examiner for the detailed consideration of the claims pending in the previous office action and the thorough consideration of the arguments presented. The Applicants have submitted herewith new claims and respectfully request reconsideration in view of the foregoing amendments and the remarks hereinbelow.

Specifically, the Applicants note that in accordance with claim 37, a viewing system is provided having a control processing unit that is adapted to prevent an illumination device and a display device from facilitating viewing of an image transparency, other patient related images or patient related content unless an identified viewer is authorized to view such content. The authorization determination is made based upon information that is obtained from a tracking memory that can be used to define access privileges required for viewing patient related data based upon viewing privileges for any identified viewer, said viewing privilege determined based upon information provided in the second electromagnetic field. Accordingly in claim 37, a stand alone viewing device can make access determinations without requiring reference to a separate device in which permissions are obtained (as is required in Schuyler et al.) and can therefore act independently to prevent the viewing device from facilitating the access to restricted information. Further, it will be appreciated that using this system, each document is physically associated with access information that travels with it even when the document is moved from one HIS to another HIS. This allows a document to provide controlled access to information stored therein even when the document is provided to viewers using HIS systems that are different from the ones in which the document was generated. Such a result is not possible using the systems described for example in Schuyler et al. as they maintain access information at remote locations (i.e. permissions database 32) and are therefore system dependent.

It is appreciated that the use of RFID for controlling access to restricted areas is known, one example of this is the Anderson patent cited in the previous office action and another is Schuyler et al. However, these type of systems typically describe a model wherein there is one control point for control of physical or other access to a fixed system or location for which the level of access

privileges can be assumed to remain constant. Accordingly, such access control systems can be set at a particular fixed level. Indeed neither Anderson nor Schuyler discuss the possibility that a single control point may be used to access information that has requires different levels or types of privileges. Further, neither shows a control system that is adapted to determine access privileges for viewing a document or accessing other data or content from information obtained from the document itself. Further, it will be appreciated that it does not appear that any of the references cited in the last Office Action discloses the concept of a transparency that has data stored therein that defines access privileges for viewing the same and a viewer makes access determination based upon data obtained therefrom.

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Schindler II', is written over a horizontal line.

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